In the High Court of Punjab and Haryana at Chandigarh.

Civil Writ Petition No.2774 of 2005.
Date of decision:

Dalbara Singh and others.

...Petitioners.

Versus

The Financial Commissioner and others.

...Respondents.

...

Coram; Hon'ble Mr. Justice K. S. Garewal.

Hon'ble Mr. Justice S. N. Aggarwal.

...

Present: Mr.Ashok Singla Advocate for the petitioners.

Mr.Pawan Kumar Advocate for respondent Nos.5 and 6.

Judgment.

S. N. Aggarwal, J.

The petitioners were joint owners in the land measuring 88 Kanals 2 Marlas situated in village Dhianpura, Tehsil and District Roopnagar with respondent Nos.5 and 6. Their version was that they were entitled to ½ share in the land measuring 88 Kanals 2 Marlas but they have been given only 28 Kanals 1 Marla of land out of the joint land while respondent Nos.5 and 6 have been given 60 Kanals 1 Marla of land. The partition was,therefore, not proper and accordingly they challenged order of partition dated 24.1.2001 (Annexure P-6) passed by the Assistant Collector Ist Grade, Roopnagar. The appeal filed against this order was dismissed by

the Collector, Roopnagar vide order dated 27.5.2002 (Annexure P-8). The revision petition filed was dismissed by the Commissioner (Appeals), Patiala Division, Patiala vide order dated 28.2.2003 (Annexure P-9) and the further revision was dismissed by the Financial Commissioner, Appeals-II, respondent No.1, vide impugned order dated 21.10.2004 (Annexure P-12).

Hence, this writ petition.

This writ petition is liable to be dismissed for the simple reason that the petitioners have concealed the fact that the parties were owners of total land measuring 120 Kanals 2 Marlas which was situated in three villages namely Dhianpura, Dhangrali and Khairpur. They owned about 88 Kanals 2 Marlas of land in village Dhianpura whereas they were joint owners of land measuring 32 Kanals in villages Dhangrali and Khairpur. The entire land of villages Dhangrali and Khairpur measuring 32 Kanals had come to the share of the petitioners and they were also given 28 Kanals 1 Marla of land from village Dhianpura. Therefore, the land given to the petitioners in the partition proceedings also comes to 60 Kanals 1 Marla while equal quantity of land in village Dhianpura has been given to respondent Nos.5 and 6 in the partition proceedings by the revenue authorities. No land has been given to respondent Nos.5 and 6 in villages Dhangrali and Khairpur.

Not only that the land which has come to the share of the petitioners and respondent Nos.5 and 6 is equal but also the petitioners have concealed this fact that that the land of village Dhangrali and Khairpur had come to their share. Therefore, this petition is liable to be dismissed and is

dismissed accordingly.

(S. N. Aggarwal)
Judge

September ,2007.
Jaggi

(K. S. Garewal)
Judge